

L A W S

OF THE

TERRITORY OF IDAHO,

RELATING TO QUARTZ.

CONTAINING THE QUARTZ LAWS, TOGETHER WITH ALL
THE AMENDMENTS, PASSED AT THE LAST SESSION OF
THE LEGISLATURE, HELD AT BOISE CITY, IDAHO
TERRITORY, DURING THE MONTHS OF DECEM-
BER AND JANUARY, 1865-66. CAREFULLY COM-
PILED FROM THE STATUTES JUST PUBLISHED,
BY F. KENYON, TERRITORIAL PRINTER.

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A N A C T

*Relating to the Discovery of Gold and Silver Quartz
Lodes, and of the manner of their location.*

SECTION 1. That any person or persons who may hereafter discover any quartz lead or lode, shall be entitled to one claim thereon, by right of discovery, and one claim each by right of location: *Provided*, That no person shall be entitled to hold more than one claim by right of location on any one lead or lode, and that no person be entitled, or have the right to locate, or to hold by location, or to have recorded, any claim or claims, on any lead or lode, unless he be a resident or inhabitant of this Territory.

SEC. 2. That a quartz claim shall consist of two hundred feet in length, along the lead or lode, by one hundred feet in width, being fifty

feet on each side of said lead or lode, covering and including all dips, spurs and angles within the bounds of said claim; and also, the right of drainage, tunneling, and such other privileges as may be necessary to the working of said claim: *Provided*, That nothing in this Act shall be so construed as to give any claimant, or claimants, any right to any separate or distinct lodes, other than the one claimed, running the width of said claim, or to obstruct any subsequent claimants in working and improving such distinct ledge; and the centre of the ground between such ledges shall be the dividing line between such claimants.

SEC. 3. The locator, or locators, of any quartz claim or claims, on any lead or lode, shall, at the time of locating said claim or claims, place a substantial stake, not less than three inches in diameter, at each end of the claim so located: *Provided*, That where two or more claims are located together, and recorded in one notice, then the aforesaid stakes shall be placed at each end of the claims so located in one notice. On said stake at each end of said claim or claims, shall be placed a notice in writing, and said notice shall contain the date of the location of said claim or claims, the name or names of the locator or locators, the name of the lead or lode on which said claim or claims are located, the number of feet so claimed by each of said locators, the distance to

the nearest end of said claim or claims from the discovery stake; the direction, as nearly as possible, from the discovery stake, and the direction said claim or claims extend in, as nearly as may be, from the point designated as its, or their, commencement; and where more than one person join in one notice in locating said claims, shall state the actual number of feet claimed, and the portion of the ground so claimed by each person so locating.

SEC. 4. Two or more persons may locate or take claims together in a body, by joining in a notice specifying the number of claims so located, and the name of each person so joining in such location, being written under the notice; but the claims so located shall not exceed two hundred feet for each person so locating; and said claims shall, on said notice, be numbered and designated as segregated claims, and shall designate the position of the said segregated ground in said claims, so located, in one notice, including, when necessary, a discovery claim, except where it may be necessary to include a claim by right of discovery, and the notice shall then state in whose name or names said discovery claim is located. Persons so joining in one notice shall be considered as tenants in common, so soon as the work hereinafter required to be done shall be fully finished and performed. The work herein-

after required to be performed on a quartz claim, to entitle the locator or his assigns to hold the same as real estate, may be performed on any one of the claims so held under one notice: *Provided*, It be equal in value to one hundred dollars for each and every two hundred feet held under one notice, including the discovery claim; but when any claims have been located by two or more persons, in one notice, so soon as the work as required by this Act, has been performed on said claim or claims, to wit: One hundred dollars worth of work for each and every two hundred feet included in the notice locating said claims, the said claimants shall be deemed tenants in common, and shall be subject to all the rights, privileges and benefits, responsibilities and liabilities, of tenants in common.

SEC. 5. All claims shall be recorded in the Recorder's office of the county in which such lead or lode shall be discovered, by filing with the Recorder a copy of the notice placed on the ledge or lode, or a similar notice, containing the name of the ledge or lode, the name or names of the locators, the number of feet claimed, the date of location, the direction in which the ledge or lode runs, the district and county in which the ledge or lode may be, and the general distance and direction from some known or initial points, and any other fact or statement by which the ledge may be

identified, known or found. Said notice shall be filed within ten days after the location of any claim, or claims, on any ledge or lode; and the person or persons named in the notice, shall, each one for himself, and not one for the other, within three days after the filing the notice, appear in person at the Recorder's office, and authorize the recording of the same, in his name or names; and no record shall be legal or valid without the personal appearance of the person or persons named in the notice. At the Recorder's office, the Recorder shall record the same, in a book kept for that purpose, and called the "Book of Quartz Claims," to which there shall be complete and full duplicate index kept by the Recorder; and that the Recorder be entitled to receive a fee of twenty-five cents for filing each notice, one dollar for each quartz claim recorded, and twenty-five cents for indexing each name in notice recorded, with the name or names thereon: *Provided*, That if said lead or lode be more than thirty miles from the county seat of said county, then the time for recording the same may extend to fifteen days. And all persons recording any claim, or claims, shall take an oath before the Recorder of said county, that said claim, or claims, have not been heretofore located according to law, or, if so loca-

ted, that the said claim, or claims, have been abandoned, or forfeited by non-fulfillment of the provisions of this Act.

SEC. 6. Quartz claims located and recorded in accordance with the provisions of this Act, shall entitle the person or persons so locating and recording, to hold the same as real estate, to the use of himself, his heirs and assigns: *Provided*, That within one year from and after the date of recording, he or they shall cause to be performed one hundred dollars worth of work for each and every claim of two hundred feet of said lead or lode, said work to consist of the following: the stripping the lead or lode, sinking of shafts, excavating of tunnels, obtaining machinery, and preparing material for working said lead or lode in good faith.

SEC. 7. Conveyances of quartz claims shall require the same formalities, and shall be subject to the same rules of construction, as the transfer and conveyance of real estate.

SEC. 8. Any person or persons who shall willfully and maliciously tear down or destroy any notice posted on quartz claims, or tear up or destroy any stakes marking quartz claims, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars, or not exceeding one hundred dollars, or by not less than thirty days,

nor more than six months, imprisonment in the County Jail, or by both such fine and imprisonment; and all Justices of the Peace, in their respective counties, shall have jurisdiction of such offenses.

SEC. 9. That an Act, entitled "An Act relating to the discovery of gold and silver bearing quartz ledges, and of the manner of their location," approved December thirteenth, A. D. eighteen hundred and sixty-four, and all other Acts, or sections of Acts, in conflict with this Act, be and the same are hereby repealed.

SEC. 10. Any person or persons desiring to preserve and perpetuate testimony, as to the sufficiency of the amount of work done on any claim or claims, to entitle him or them to hold them as real estate, according to the provisions of section six of this Act, may take two disinterested persons to view such work, who shall carefully examine the same; immediately after which, they shall go before the County Recorder, or other officer by law authorized to administer oaths in the county, and take and subscribe an affidavit containing, first, a description of the location of the claim or claims on which the work is performed, the character and value of such work, and the date when they reviewed the same, which affidavit shall be filed by the County Recorder, and

carefully preserved. Such affidavits, or certified copies of the same, under the certificate and seal of the County Recorder, who has the custody of the original affidavit or affidavits, shall, in any Court in this Territory, be *prima facie* evidence of the character and amount of labor performed on the claim or claims which are described in such affidavit or affidavits. The Recorder shall receive a fee of fifty cents for filing and preserving the affidavits required by this section.

SEC. 11. Any person or persons who may desire to run any tunnel into any hill or mountain, for the purpose of discovering or working mineral bearing quartz leads, or lodes, shall be entitled to hold five hundred feet each way from the line of the tunnel, on every lead or lode so discovered: *Provided*, The said lode has not been previously claimed and held according to law; and said person or persons shall also be entitled to hold three hundred feet square at the entrance or entrances of said tunnel or tunnels, for building, deepening, or other necessary purposes. *Provided further*, That nothing in this Act shall be so construed as to invalidate the vested rights of other persons.

SEC. 12. The manner of locating tunnels shall be by posting a notice or notices at the entrance or entrances of the tunnel, describing the line of

the tunnel and of the dumping ground, which notice shall be signed by all the parties interested, stating the interest of each person.

SEC. 13. A copy of said notice shall be recorded in the office of the County Recorder, within ten days from the time of location, and the Recorder shall receive two dollars for recording said notice.

SEC. 14. The parties claiming any tunnel shall, within one year from the time of location, perform, or cause to be performed, five hundred dollars worth of labor on said tunnel; and when a quartz lead or lode, belonging to such tunnel company, shall be struck, it shall become real estate, and any person or persons interested in any tunnel who shall fail to perform his or their proportion of the labor required by this Act, within the time specified, shall forfeit all his or their rights in said tunnel; and those who do perform their proportion of said labor in the required time, shall acquire all the rights of such delinquent parties, and shall proceed immediately to perform the requisite amount of labor, and any tunnel site becoming vacant by non-fulfillment of the law, shall not be subject to re-location by the same parties.

Approved, January 12th, A. D. 1866.

[*Statutes of Idaho, third session, p. 169.*

A N A C T

Relative to Quartz Claims in the First Judicial District of this Territory, embracing the counties of Idaho, Nez Perce, Shoshone, Lahtoh, and Kootenai.

SECTION 1. That "An Act relating to the discovery of gold and silver quartz leads, and the manner of their location," approved December 13, A. D. 1864, and any Act passed by the third session of the Legislative Assembly in regard to quartz claims, shall not apply to any quartz leads, or lodes, located and recorded in the First Judicial District, after the passage, and approval of this Act by the Governor.

SEC. 2. The locators of quartz claims in the counties of Idaho, Nez Perce, Shoshone, Lahtoh, and Kootenai, shall record the same with the Recorders of their respective counties, within ten days after location, unless located more than thirty miles from the place of recording, in which case twenty days shall be allowed; and the Recorders of the various counties mentioned in this bill, shall be allowed one dollar for recording each quartz claim, and making the necessary filings and indexing; but in no case shall said fees exceed the sum of five dollars upon any set of claims.

SEC. 3. Transfers of quartz claims shall be duly acknowledged by a proper officer, and recorded by the County Recorder.

SEC. 4. The locators or holders of quartz claims in the counties mentioned in this Act, may make all needful rules and regulations for the taking up and holding of quartz claims, when not in contravention of this Act.

Approved, January 12th, A. D. 1866.

[*Statutes of Idaho, third session, p. 140.*]

AN ACT

For perfecting Titles to Quartz Claims in the county of Idaho.

SECTION 1. That all transfers of quartz claims in the county of Idaho, made by bill of sale without acknowledgment by a proper officer, prior to the passage of this Act, shall be full and valid in law in all cases when the person purchasing has taken possession of the same, either in person or constructively.

Approved, January 10th, A. D. 1866.

[*Statutes of Idaho, third session, p. 201.*]

AN ACT

Legalizing the Records of Alturas and Boise Counties.

SECTION 1. That all quartz recording deeds, powers of attorney, water rights, or other notices of every character, heretofore recorded in the Record Books of Alturas and Boise counties, be,

and the same are hereby, legalized, as if said recording had been done in the proper counties; and the legal effect of said recording, to be construed so as to have the same force from the date of recording as all other legal records.

SEC. 2. It shall be lawful, until such time as the county boundary shall be established between Boise County and Alturas County, for any person residing in Banner City and Walker's Diggings Mining Districts, to have any claim, or any instrument of writing, of whatever character, required to be recorded, to have the same recorded in Boise County.

Approved, December 30th, A. D. 1865.

[*Statutes of Idaho, third session, p. 215.*



